



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: American Construction and Energy, Inc.  
File: B-227253  
Date: August 20, 1987

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### DIGEST

Request for remission of liquidated damages assessed by Department of the Air Force must be denied in the absence of a favorable recommendation by the head of the agency.

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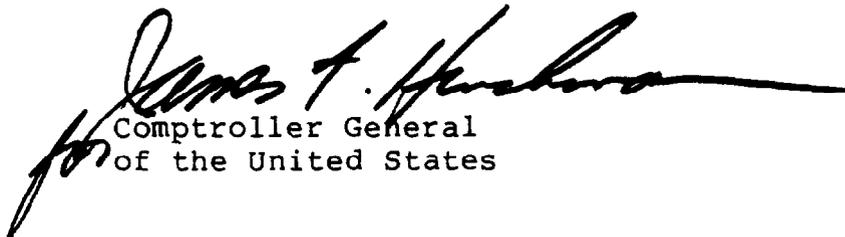
### DECISION

American Construction and Energy, Inc. requests the remission of liquidated damages assessed by the Department of the Air Force pursuant to contract No. F32604-86-B-0020. We deny the request.

In its report to our Office, the Air Force states that American Construction and Energy "failed to actively prosecute the work required by the contract," and that despite several attempts by the contracting officer to assist the company, the required work was not completed until 27 days after the required completion date. The Air Force recommends that the request be denied.

Under 10 U.S.C. § 2312 (1982), the Comptroller General may remit all or part, as he considers just and equitable, of any liquidated damages assessed for delay in performing a contract made by the agency. However, a favorable recommendation by the head of the contracting agency is a prerequisite to any remission action by this Office. Allis-Chalmers Co., B-215812, July 26, 1984, 84-2 CPD ¶ 119.

Since the Department of the Air Force recommends denial, we must decline to grant the relief requested.

  
Comptroller General  
of the United States

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